

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DARIUSZ NOWICKI on behalf of himself and
all others similarly situated,

Plaintiff,
-against-

TOLL BROTHERS, INC., KS CONSTRUCTION
CO., and KAZIMIERZ SZWADER,

Defendants.

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NOT FOR PUBLICATION
MEMORANDUM & ORDER
10-CV-4877 (CBA) (JO)

AMON, Chief United States District Judge:

The defendants object to a March 7, 2012 order by Magistrate Judge James Orenstein requiring them to bear the costs of two depositions that they unilaterally cancelled on February 27, 2012. The Court has reviewed the parties' submissions and finds that Magistrate Judge Orenstein's order was not clearly erroneous. See Mitchell v. Century 21 Rustic Realty, 233 F. Supp. 2d 418, 430 (E.D.N.Y. 2002) ("District courts reviewing non-dispositive pretrial orders may not modify or set aside any part of those orders unless they are clearly erroneous or contrary to law."). Accordingly, Magistrate Judge Orenstein's order is affirmed.

SO ORDERED.

Dated: Brooklyn, New York
June 18, 2012

/s/
Carol Bagley Amon
Chief Judge, United States District Court